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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHRISTINE HANNA, an individual,
Plaintiff,

vs.

BMW FINANCIAL SERVICES, LLC., A
Delaware Limited Liability Company
CAPITAL ONE N.A., A National Association
CHASE BANK USA N.A., A National
Association
CITIBANK SD, N.A., A National Association
HSBC BANK USA N.A., A National
Association
VERIZON WIRELESS TELECOM, INC., A
California Corporation
MIDLAND FUNDING, LLC., A Delaware
Limited Liability Company

Defendants.

CV12-7703 DMG (JCG)

COMPLAINT FOR DAMAGES:

- 1) VIOLATIONS OF FEDERAL FAIR CREDIT REPORTING ACT;
- 2) VIOLATIONS OF CALIFORNIA'S CONSUMER CREDIT REPORTING AGENCIES ACT;
- 3) VIOLATIONS OF FEDERAL FAIR DEBT COLLECTION PRACTICES ACT;
- 4) VIOLATIONS OF CALIFORNIA'S ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT;
- 5) DECLARATORY RELIEF.

DEMAND FOR JURY TRIAL

This action is brought by Plaintiff CHRISTINE HANNA ("Plaintiff") by and through her attorney Arshak Bartoumian against all named Defendants for violations of the Fair Credit Reporting Act [15 U.S.C. §1681 et seq.] ("FCRA") and California's Consumer Credit Reporting Agencies Act [California Civil Code §1785.2 et seq.] ("CCRAA"), and for violations of Fair Debt Collection Practices Act [15 U.S.C. §1692-1692p] ("FDCPA"), California's Rosenthal Fair Debt Collection Practices Act [California Civil Code §1788 et seq.] ("RFDCPA") against select Defendants.

PRELIMINARY STATEMENT

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4 1. Congress enacted the FCRA to establish consumer rights to privacy over
5 their credit and financial information and to ensure the "[a]ccuracy and fairness of credit
6 reporting." FCRA provides several protections for consumers, including but not limited to
7 the right to be notified of any negative/unfavorable information reported in their name and
8 the right to dispute inaccurate, outdated and/or incomplete information on their credit file.

9 2. FCRA regulates credit reporting agencies as well as creditors, collection
10 agencies and other parties who provide information to credit reporting agencies and/or
11 obtain and use the consumer credit reports. FCRA Section 623, 15 U.S.C. §1681s-2,
12 imposes obligations on furnishers of information to the credit reporting agencies.
13 Furnishers must report accurate information, correct and update erroneous information, and
14 provide certain notices to consumer pertaining to furnished information.

15 3. CCRAA was implemented to protect the credit information of California
16 consumers. CCRAA also regulates consumer credit reporting agencies and furnishers of
17 information with respect to personal, credit and other financial information submitted and
18 maintained in their credit file. CCRAA in California Civil Code §1785.25-1785.26 refrains
19 furnishers of information from reporting information that they know or should have known
20 was erroneous, and obligates furnishers to cease credit reporting of information disputed by
21 consumers without notice of such dispute.

22 4. CCRAA provides consumers with the right to be informed of negative credit
23 reporting and the right to dispute information in their credit reports, which they believe is
24 incomplete and/or inaccurate. Consumers also have the right to bring civil action against
25 violators of any provision of the CCRAA with respect to their rights and their credit, and to
26 seek monetary damages. California Civil Code §1785.19 and §1785.31. The FDCPA
27 regulates the behavior of collection agencies attempting to collect a debt on behalf of
28 another. The United States Congress has found abundant evidence of the use of abusive,
deceptive, and unfair debt collection practices by many debt collectors, and has determined
that abusive debt collection practices contribute to a number of personal bankruptcies,

1 marital instability, loss of jobs, and invasions of individual privacy. Congress enacted the
2 FDCPA to eliminate abusive debt collection practices by debt collectors, to ensure that those
3 debt collectors who refrain from using abusive debt collection practices are not
4 competitively disadvantaged, and to promote uniform State action to protect consumers
5 against debt collection abuses [15 U.S.C. §1692(a)-(e)].

6 5. The FDCPA is a strict liability statute, which provides for actual or statutory
7 damages upon the showing of one violation. The Ninth Circuit has held that whether a debt
8 collector's conduct violates the FDCPA should be judged from the standpoint of the "least
9 sophisticated" consumer. [Baker v. G.C. Services Corp., 677 F.2d 775, 778 (9th Cir. 1982);
10 Swanson v. Southern Oregon Credit Service, Inc. 869 F.2d 1222, 1227(9th Cir.1988)]. This
11 objective standard "ensure[s] that the FDCPA protects all consumers, the gullible as well as
12 the shrewd ... the ignorant, the unthinking and the credulous." [Clomon v. Jackson, 988
13 F.2d 1314, 1318-19 (2nd Cir. 1993)].

14 6. To prohibit deceptive practices the FDCPA, at 15 U.S.C. §1692e, outlaws the
15 use of false, deceptive, and misleading collection letters and names a non-exhaustive list of
16 certain per se violations of false and deceptive collection conduct. 15 U.S.C. §1692e(1)-(16).

17 7. To prohibit harassment and abuses by debt collectors the FDCPA, at 15 U.S.C.
18 §1692d, provides that a debt collector may not engage in any conduct the natural
19 consequence of which is to harass, oppress, or abuse any person in connection with the
20 collection of a debt and names a non-exhaustive list of certain per se violations of harassing
21 and abusive collection conduct. 15 U.S.C. §1692d(1)-(6). Among these per se violations
22 prohibited by that section are: any collection activities and the placement of telephone calls
23 without meaningful disclosure of the caller's identity [15 U.S.C. §1692d(6)]

24 8. The FDCPA also prohibits, at 15 U.S.C. §1692c, without the prior consent of
25 the consumer given directly to the debt collector, or the express permission of a court of
26 competent jurisdiction, or as reasonably necessary to effectuate a post judgment judicial
27 remedy, communication by a debt collector in connection with the collection of any debt,
28 with any person other than the consumer, her attorney, a consumer reporting agency if
otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the

1 debt collector.

2 9. The RFDCPA regulates collection agencies and original creditors attempting to
3 collect debts on their own behalf. The California legislature has determined that the banking
4 and credit system and grantors of credit to consumers are dependent upon the collection of
5 just and owing debts and that unfair or deceptive collection practices undermine the public
6 confidence that is essential to the continued functioning of the banking and credit system
7 and sound extensions of credit to consumers. The Legislature has further determined that
8 there is a need to ensure that debt collectors exercise their responsibility with fairness,
9 honesty, and due regard for the debtor's rights and that debt collectors must be prohibited
10 from engaging in unfair or deceptive acts or practices.

11 I. JURISDICTION AND VENUE

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13 10. Jurisdiction of this Court arises under 15 U.S.C. §1681p, California Civil
14 Code §1785.33, and 28 U.S.C. §1337.

15 11. Supplemental jurisdiction rests upon 28 U.S.C. §1367.

16 12. Venue is proper in this United States District Court, Central District of
17 California because Defendants' violations alleged below occurred in the County of Los
18 Angeles, State of California and within this District.

19 II. PRIVATE RIGHT OF ACTION

20
21 13. FCRA Sections 616 and 617, 15 U.S.C. §1681n and §1681o, create private
22 right of action consumers can bring against violators of any provision of the FCRA with
23 regards to their credit. In DiMezza v. First USA Bank, Inc., supra, the court confirmed that
24 "[...] the plain language of [CRA Sections 616 and 617, 15 U.S.C. §1681n and §1681o]
25 provide a private right of action for a consumer against furnishers of information who have
26 willfully or negligently failed to perform their duties upon notice of a dispute. [...] there is a
27 private right of action for consumers to enforce the investigation and reporting duties
28 imposed on furnishers of information."

14. Gorman v. MBNA America Bank, N.A., No. 06-17226 further established Private Remedy Against Furnishers by consumers and FCRA Section 1681s-2(b) triggers Defendants' furnisher's liability under this section, since Plaintiff made her initial disputes with the credit reporting agencies.

15. Cal. Civ. Code §1785.15(f) expressly states that consumers "have a right to bring civil action against anyone [...], who improperly obtains access to a file, knowingly or willfully misuses file data, or fails to correct inaccurate file data" concerning a consumer's credit report. Plaintiff has further right to action pursuant to Cal. Civ. Code §1785.31(a), which states that Plaintiff as "any consumer who suffers damages as a result of a violation of this title by any person may bring an action in a court of appropriate jurisdiction against that person to recover the following."

16. *Sanai v. Saltz, et al.*, 2009 Cal. App. LEXIS 83 (Cal. App. 2d Dist. Jan. 26, 2009) established that consumers may replead their FCRA claims as violations of the CCRAA and that the state claims are not preempted by FCRA. In further support, courts have uniformly rejected creditors' and consumer reporting agencies' arguments that the FCRA bars state law claims. See *Sehl v. Safari Motor Coaches, Inc.*, 2001 U.S. Dist. Lexis 12638 (U.S.D.C. N.D. Cal. 2001)(for detailed discussion); *Harper v. TRW*, 881 F. Supp. 294 (U.S.D.C. S.D. Mich. 1995); *Rule v. Ford Receivables*, 36 F. Supp.2d 335 (U.S.D.C. S.D. Va. 1999); *Watkins v. Trans Union*, 118 F. Supp.2d 1217 (U.S.D.C. N.D. Ala. 2000); *Swecker v. Trans Union*, 31 F. Supp.2d 536 (U.S.D.C. E.D. Va. 1998); *Saia v. Universal Card Svc.*, 2000 U.S. Dist. Lexis 9494, 2000 Westlaw 863979 (U.S.D.C. E.D. La. 2000); *Sherron v. Private Issue by Discover*, 977 F. Supp.2d 804 (U.S.D.C. N.D. Miss. 1997); *Hughes v. Fidelity Bank*, 709 F. Supp.2d 639 (U.S.D.C. E.D. Pa. 1989).

17. 15 U.S.C §1692k(a) states that "... any debt collector who fails to comply with any provision of this title with respect to any person is liable to such person in an amount equal to the sum of-."

18. Cal. Civ. Code §1788.30(a) states that "any debt collector who violates this title with respect to any debtor shall be liable to that debtor only in an individual action..."

III. THE PARTIES

19. Plaintiff CHRISTINE HANNA is a natural person residing in Los Angeles County, State of California.

20. Plaintiff is a consumer as defined in 15 U.S.C. §1681a (c) and California Civil Code §1785.3(b).

21. Defendant BMW FINANCIAL SERVICES, LLC ("BMW") is a Delaware Limited Liability.

22. Defendant CAPITAL ONE N.A. ("CAPITAL") is a National Association.

23. Defendant CHASE BANK USA N.A. ("CHASE") is a National Association.

24. Defendant CITIBANK N.A. ("CITI") is a National Association.

25. Defendant HSBC BANK USA N.A. ("HSBC") is a National Association.

26. Defendant MIDLAND FUNDING, LLC ("MIDLAND") is a Delaware Limited Liability Company.

27. Defendant VERIZON WIRELESS TELECOM, INC ("VERIZON") is California Corporation.

28. Defendants and each one of them is a person as defined in 15 U.S.C. §1681a (b) and California Civil Code §1785.3(j).

29. Defendants and each one of them is a furnisher of information within the meaning of 15 U.S.C. §1681-s2.

30. Defendants are each a debt collector as defined in 15 U.S.C. §1692a (6) and California Civil Code §1788.2(c).

31. Defendants acted through their agents, employees, directors, contractors and other authorized parties acting within the course and scope of their employment or agency and under the direct supervision and control of each respective Defendant.

IV. FACTS COMMON TO ALL COUNTS

32. In or around December 14, 2011 Plaintiff, who is not a minor, checked her credit report from the three national credit reporting agencies, Experian, Equifax and Transunion (collectively "CRAs"), and discovered multiple credit accounts reported by Defendants BMW (Account#400082...), CAPITAL (Account#517805230668... & 529107164617...), CHASE (Account#540168308196... & 426684101044...), CITI (Account#751079002993...), HSBC

(Account#700119110350...), MIDLAND (Account#854267...) and VERIZON (Account#66086146800...) in negative status. These credit accounts were unfamiliar to Plaintiff, as he did not recall ever opening them and he was never informed by the furnishers of their negative credit reporting.

33. On or about December 14, 2011 Plaintiff contacted the CRAs and disputed the unknown credit accounts reported by the Defendants identified in paragraph 32, pursuant to 15 U.S.C. §1681s-2(b). On or about February 02, 2011, following her credit bureau disputes, Plaintiff sent letters to these Defendants, in which he requested documentation substantiating the existence, ownership and accuracy of the accounts reported by each of them, otherwise their immediate and permanent deletion from her credit file.

34. Upon receipt of Plaintiff's disputes, Defendants BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON, each continued to report the disputed accounts to the CRAs, without notice that the accounts had been disputed by Plaintiff, all throughout the investigation period and thereafter. They further failed to properly address Plaintiff's direct disputes with them and failed to provide for her requested verification for the disputed accounts.

35. On February 07, 2012 and March 05, 2012 Plaintiff followed up with Defendants BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON and each one of them on multiple occasions, resubmitting her requests and demanding deletion of the unverified accounts due to lack of verification, but each of her correspondences went unanswered or were improperly handled and responded to.

36. In or about December 14, 2011 Plaintiff consulted with attorneys and credit professionals and retained an agent to communicate with Defendants BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON on her behalf regarding her disputes. At the time, during a credit review of her updated credit records, Plaintiff also learned that Defendants BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON had reported a charged off accounts to her credit file, without prior notice of the debts or of the negative credit reporting.

37. In or around December 14, 2011 Plaintiff contacted the CRAs with dispute of the accounts reported by BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON as not his, since he did not agree with their alleged debts. Following her submission of a credit dispute of the BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON, Plaintiff contacted Defendants BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON

1 through her agent with a Power of Attorney and also sent in a debt/account
 2 verification/validation to BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON.
 3 Defendants BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON failed to
 4 answer to Plaintiff's debt/account verification/validation requests, failed to cease collection
 5 activity and credit reporting upon receipt of Plaintiff's dispute, and failed to inform the CRAs
 6 that the accounts were in dispute.

7 38. Plaintiff sent multiple further follow ups to Defendants BMW, CAPITAL,
 8 CHASE, CITI, HSBC, MIDLAND and VERIZON, both directly from her and through her agent,
 9 but all of her correspondences proved unsuccessful in attaining Defendants' cooperation.

10 39. Regardless of Plaintiff's attempts to seek Defendants' cooperation, Defendants
 11 and each one of them continuously failed to answer back to Plaintiff with appropriate proof of
 12 investigation and verification of the information in dispute and failed to take corrective action.

13 40. To date Defendants continue to report the unverified accounts on Plaintiff's credit
 14 records.

15 41. The inaccurate accounts negatively reflect upon Plaintiff as a consumer,
 16 borrower/debtor and they negatively impact her creditworthiness and financial standing.

17 42. Plaintiff has suffered financial and emotional distress as a result of Defendants'
 18 violations, which include but are not limited by the following:

19 a. Actual damages arising from monetary losses relating to denials to new credit,
 20 loss of use of funds, loss of credit and loan opportunities, excessive and/or elevated interest rate
 21 and finance charges;

22 b. Out of pocket expenses associated with communicating with Defendants,
 23 disputing the credit information, and fees paid to attorneys and credit professionals for the
 24 assistance attained in the process;

25 c. Emotional distress and mental anguish associated with having derogatory credit
 26 information transmitted about Plaintiff to other people both known and unknown;

27 d. Decreased credit score and creditworthiness, which may result in inability to
 28 obtain credit, employment or housing on future attempts.

COUNT I

Violations of FCRA

Against All Defendants

43. Plaintiff repeats and reincorporates by reference the above paragraphs.

44. Defendants BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON knowingly and willfully violated the FCRA. Defendants' violations include, but are not limited to the following:

a. Furnishing inaccurate/unverified information to the CRAs in violation of 15 U.S.C. §1681s-2 (a);

b. Failing to inform Plaintiff about negative credit reporting made on her is credit report, prior to or within five (5) days of furnishing a collection account to the CRAs, in violation of 15 U.S.C. §1681s-2 (a)(7)(A);

c. Failing to conduct proper investigation of disputed information upon receipt of Plaintiff's dispute in violation of 15 U.S.C. §1681s-2 (a)(8)(E);

d. Verifying disputed accounts with the CRAs prior to conducting thorough investigation and without having substantiating support for such verification;

e. Reporting disputed information to the CRAs, without notice of Plaintiff's dispute, during the investigation period and prior to providing verification of accuracy in violation of 15 U.S.C. §1681s-2 (a)(3);

f. Continuing to report unverified information to the CRAs after lack of response and verification;

COUNT II

Violations of CCRAA

Against All Defendants

45. Plaintiff repeats and reincorporates by reference the above paragraphs.

46. Defendants BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON knowingly and willfully violated CCRAA. Defendants' violations include, but are not limited to the following:

a. Submitting negative credit information to Plaintiff's credit report with the CRAs, without notifying the Plaintiff in violation of California Civil Code §1785.26(b);

1 b. Continuing to report the account to the CRAs, upon receipt of Plaintiff's dispute
2 and during the investigation period, without notice that the account has been disputed by Plaintiff
3 in violation of California Civil Code §1785.25(c);

4 c. Failing to acknowledge Plaintiff's demand for investigation and correction of
5 information furnished to the CRAs, following Plaintiff's receipt of CRAs' reinvestigation results
6 in violation of California Civil Code §1785.30;

7
8 **COUNT III**

9 **Violations of FDCPA**

10 **Against Defendants**

11 47. Plaintiff repeats and reincorporates by reference the above paragraphs.

12 48. Defendants BMW, CAPITAL, CHASE, CITI, HSBC, MIDLAND and VERIZON
13 knowingly and willfully violated the FDCPA by:

14 a) Failing to provide dunning notice of debt and a written notice of Plaintiff's right
15 to request validation of debt along with information about the alleged debt, including the name
16 and contact information of the original creditor pursuant to 15 U.S.C. §1692g(a);

17 b) Failing to cease collection activity and continuing to make collection efforts on
18 the alleged debt without properly responding to Plaintiff's validation request pursuant to 15
19 U.S.C. §1692g(b);

20 c) Failing to properly validate the alleged debt pursuant to 15 U.S.C. §1692g(b);

21 d) Using false representations and deceptive means to collect or attempt to collect
22 the alleged debt pursuant to 15 U.S.C. §1692e;

23 e) Using unfair or unconscionable means to collect or attempt to collect the alleged
24 debt pursuant to 15 U.S.C. §1692f.

25 **COUNT IV**

26 **Violations of RFDCPA**

27 **Against Defendants**

1 reporting of the unverified accounts.

2 6. Declaratory relief, which is available pursuant to 28 U.S.C. §2201 and §2202.

3 7. Any other relief as this Honorable Court deems appropriate.

4 DATED: September 04, 2012

5
6 Respectfully submitted,

7 By: 

8 ARSHAK BARTOUMIAN,

9 Attorney for Plaintiff

1 **VERIFICATION**

2
3 I am the Plaintiff in the above-entitled action. I have read the foregoing complaint and
4 know the contents thereof. The same is true of my own knowledge, except as to those matters
5 which are therein alleged on information and belief, and as to those matters, I believe it to be
6 true.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

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10 Executed: September 04, 2012

11 By: 

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13 CHRISTINE HANNA, Plaintiff
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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> CHRISTINE HANNA, an individual		DEFENDANTS BMW FINANCIAL SERVICES, CAPITAL ONE, CHASE BANK USA, CITIBANK, HSBC BANK USA, VERIZON WIRELESS TELECOM, MIDLAND FUNDING LLC	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) ARSHAK BARTOUMIAN (SBN 210370) OMNIA LEGAL INC 124 W. STOCKER ST. STE B, GLENDALE, CA 91202 (818)532-9339		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:45%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ NOT YET ASSESSED

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 15 U.S.C. SEC 1681, CAL CIV CODE 1785

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FOREIGNURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

CV12-7703

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	VARIOUS

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	VARIOUS

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	VARIOUS

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): A. Shah Santamaria Date 9/4/2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

ARSHAK BARTOUMIAN (SBN 210370)
 OMNIA-LEGAL, INC TEL. 818-532-9339
 124 W STOCKER ST STE B GLENDALE CA 91202

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

CHRISTINE HANNA, an individual

CASE NUMBER

CV12-7703

PLAINTIFF(S)

v.

BMW FINANCIAL SERVICES, LLC., A Delaware
 Limited Liability Company ~~et al~~
 (see attached for additional defendants)

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): CHRISTINE HANNA
 (See attached for additional Defendants)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, ARSHAK BARTOUMIAN, whose address is 124 W STOCKER ST STE B, GLENDALE, CA 91202. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP - 7 2012

Dated: _____

Clerk, U.S. District Court

By: SHEA BOURGEOIS
 Deputy Clerk

(Seal of the Court)

1184

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1 ARSHAK BARTOUMIAN (SBN 210370)
2 OMNIA LEGAL, INC.
3 124 W STOCKER ST STE B
4 GLENDALE, CA 91202
5 T. 818-532-9339
6 F. 818-394-6452
7 EMAIL: DISPUTES@OMNIALEGAL.ORG

8 ATTORNEY FOR PLAINTIFF

9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 CHRISTINE HANNA, an individual,
13 Plaintiff,

14 vs.

15 BMW FINANCIAL SERVICES, LLC., A
16 Delaware Limited Liability Company
17 CAPITAL ONE N.A., A National Association
18 CHASE BANK USA N.A., A National
19 Association
20 CITIBANK SD, N.A., A National Association
21 HSBC BANK USA N.A., A National
22 Association
23 VERIZON WIRELESS TELECOM, INC., A
24 California Corporation
25 MIDLAND FUNDING, LLC., A Delaware
26 Limited Liability Company

27 **Defendants.**

CASE NO.:

COMPLAINT FOR DAMAGES:

- 1) VIOLATIONS OF FEDERAL FAIR CREDIT REPORTING ACT;
- 2) VIOLATIONS OF CALIFORNIA'S CONSUMER CREDIT REPORTING AGENCIES ACT;
- 3) VIOLATIONS OF FEDERAL FAIR DEBT COLLECTION PRACTICES ACT;
- 4) VIOLATIONS OF CALIFORNIA'S ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT;
- 5) DECLARATORY RELIEF.

DEMAND FOR JURY TRIAL

28 This action is brought by Plaintiff CHRISTINE HANNA ("Plaintiff") by and through her attorney Arshak Bartoumian against all named Defendants for violations of the Fair Credit Reporting Act [15 U.S.C. §1681 et seq.] ("FCRA") and California's Consumer Credit Reporting Agencies Act [California Civil Code §1785.2 et seq.] ("CCRAA"), and for violations of Fair Debt Collection Practices Act [15 U.S.C. §1692-1692p] ("FDCPA"), California's Rosenthal Fair Debt Collection Practices Act [California Civil Code §1788 et seq.] ("RFDCPA") against select Defendants.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dolly Gee and the assigned discovery Magistrate Judge is Jay C. Gandhi.

The case number on all documents filed with the Court should read as follows:

CV12- 7703 DMG (JCGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.